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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,326	12/19/2000	Seiji Nemoto	Q62363	2590

7590

02/06/2003

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Washington, DC 20037

EXAMINER

CREPEAU, JONATHAN

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,326

Applicant(s)

NEMOTO, SEIJI

Examiner

Jonathan S. Crepeau

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office action addresses claims 1-9 and newly added claim 10. Claims 1-6 and 9 remain rejected under 35 USC §102 for the reasons of record, and claim 10 is newly rejected under 35 USC §102 as necessitated by amendment. Claims 7 and 8 remain objected to as containing allowable subject matter. Accordingly, this action is made final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Roth et al (U.S. Patent 3,977,907). Regarding claims 4 and 5, Roth et al. teach a single-head jack (13) provided concavely in a battery body (14). Regarding claim 1, the jack comprises positive and

negative terminals (82, 94) which are insulated from each other (see Figs. 2-4 and col. 3, line 54 et seq.).

Thus, the instant claims are anticipated.

4. Claims 1-3, 6, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Iwaizono et al (U.S. Patent 6,322,921). Regarding claims 1 and 9, as shown in Figure 14, the reference is directed to a cylindrical secondary battery comprising a battery body (90). Regarding claims 1-3, the battery is provided with a cap structure having a negative terminal (61) integrally formed with a positive terminal (65) through a layer of insulation (63) (see col. 12, lines 9-17). Thus, the cap structure constitutes a single input-output terminal having a convex plug structure. Regarding claim 10, the positive and negative terminals are coaxially disposed. Regarding claim 6, as shown in Figure 15, the terminal includes a first-polarity terminal (85) formed concavely in a tip of the terminal, while a portion of the second-polarity terminal (81) is arranged on the outside of the terminal.

Thus, the instant claims are anticipated.

Allowable Subject Matter

5. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

The reasons for allowance of claims 7 and 8 were given in the previous Office action and remain applicable herein.

Response to Arguments

7. Applicant's arguments filed December 10, 2002 have been fully considered but they are not persuasive. Regarding the Roth et al. reference, the Applicant asserts that the reference discloses two separate terminals 30 and 32 (see Fig. 1 of Roth) and thus is different from the claimed invention. However, while the reference discloses two such separate terminals, the reference also discloses an *additional* single input-output terminal, as required by the claimed invention. The structure of this additional terminal (i.e., the jack) is described in section 3 above and is best shown in Figures 3 and 4 of Roth. Therefore, while the Applicant is correct in stating that Roth discloses separate terminals 30 and 32, the instant claims do not exclude such separate terminals from being present in the battery in addition to the claimed single input-output terminal.

With regard to the Iwaizono reference, the Applicant similarly asserts that the battery case (90) functions as the negative terminal. While this may be true, the reference also teaches

that inner cap 61, which is electrically connected to the case, functions as a negative terminal (see Fig. 14 and col. 12, lines 14-15). Accordingly, the reference still teaches a single input-output terminal as required by the claims. As stated above, the claims do not expressly exclude additional terminals from being present on the battery case. Accordingly, it is believed that the Iwaizono reference properly anticipates the instant claims.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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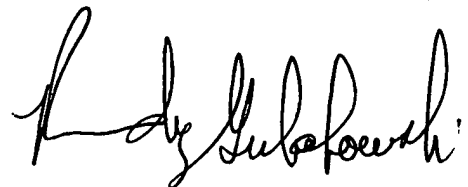
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Crepeau whose telephone number is (703) 305-0051. The examiner can normally be reached Monday-Friday from 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached at (703) 308-4333. The phone number for the organization where this application or proceeding is assigned is (703) 305-5900. Additionally, documents may be faxed to (703) 305-5408 or (703) 305-5433.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

JSC

January 29, 2003



RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700